

IN THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Muhammad Saleem Jessar

Justice Nisar Ahmed Bhanbhro

CP No.D-5622 of 2024

(Quratulan v. Province of Sindh and 2 others)

CP No.D-5619 of 2024

(Altaf Hussain Narejo and 05 others v. Province of Sindh and 2 others)

Mr. Ali Asadullah Bullo, Advocate for the petitioners

Mr. Muhammad Kamran Baloch, Assistant Advocate
General

Date of hearing and order: 30.01.2026

O R D E R

Nisar Ahmed Bhanbhro, J. Through this single order, both these petitions are being disposed of as common questions of law and facts are involved therein.

2. Per office note connected petition are fixed for urgent hearing. Through CMA No 1038 of 2026 Counsel for the petitioners pleads that the urgent applications be allowed and the petitions may be heard today as matter pertains to the grave urgency, as respondents are finalizing the recruitment process to which learned AAG raises his no objection and has demonstrated his readiness to argue the main petition.

3. Learned counsel for the petitioners in both the petitions submits that vide advertisement dated 04.10.2022, respondent No.2/Sindh Public Service Commission (SPSC) invited applications for appointment to the post of Deputy Director Fisheries (BPS-18). The petitioners being eligible candidates, applied for the same. The petitioners appeared in the written part of the examination and they were declared successful in the written part. The result whereof was issued through a notification dated 9th July, 2024. The respondent No.2 issued an interview program vide letter dated 03.09.2024 and to the utter surprise of the petitioners that vide another notification

dated 04.09.2024 was issued placing the names of petitioners in the list of the rejected candidates. The petitioner preferred appeal to the SPSC under Regulation 47 of the Sindh Public Service Commission (Recruitment Management) Regulations, 2023 (RMR), which was declined vide order dated 1st January, 2025 on the ground that the petitioners were not having requisite qualification to participate in the recruitment process. Counsel for the petitioners submits that the petitioners have had Ph.D in Zoology; that the Zoology is the mother subject of the Fisheries and Petitioners were eligible to be appointed against the said post as under the recruitment rules only relevancy of the subject is required but not the degree. He therefore prayed to allow this petition.

4. Learned Assistant Advocate General while relying upon the reply filed by the SPSC to the petitions argued that the petitioners were not qualified to participate in the recruitment process as they were not having Ph.D degree in Marine Fisheries, or Fresh Water Biology. He further argued that the appeal filed by the petitioner was rightly dealt with; therefore, no case for indulgence of this Court is made out. He prayed to dismiss the petition.

5. Heard arguments and perused the material made available before us on record.

6. It appears from the record that SPSC through an advertisement dated 04.10.2022 invited applications for various posts, including subject post of Deputy Director, with the following qualifications and experience necessary for initial appointment as under:

CONSOLIDATED ADVERTISEMENT NO.03/2022 DATED: 04.10.2022									
ONLINE APPLICATIONS ARE INVITED FOR VARIOUS POSTS IN DIFFERENT DEPARTMENT, GOVERNMENT OF SINDH. DON'T WAIT FOR THE LAST DATE TO APPLY ONLINE TODAY. (MANUAL APPLICATIONS SHALL NOT BE ENTERTAINED)									
S.NO.	NAME OF POST WITH BASIC SCALE	OF	QUALIFICATION AS PER RECRUITMENT RULES	NO. OF POSTS	QUOTA			AGE LIMIT	
01	DEPUTY DIRECTOR FISHERIES (BPS-18)		a. Ph.D from a recognized University in Fisheries, Marine or Fresh Water Biology. b. M.Sc. at least in Second Division from a recognized University in Marine or Fresh Water Biology having at least 10 years experience in fisheries management or research.	13	1. Open Merit (Male / Female)	06	03	09	23-40
					2. Differently Abled Person	01	00	01	
					3. Minority	00	01	01	
					4. Female	01	01	02	
					Total			13	
02	ASSISTANT DIRECTOR FISHERIES (BPS-17)		M.Sc. in Fisheries or Zoology (with Specialization in Marine or Fresh Water Biology) at least in Second Division from a recognized University.	14	1. Open Merit (Male / Female)	06	04	10	21-30
					2. Differently Abled Person	01	00	01	
					3. Minority	00	01	01	
					4. Female	01	01	02	
					Total			14	
03	Biologist (BPS-17)		At least 2 nd Class Master's Degree from a recognized University in Fisheries, Marine or Fresh Water Biology or Zoology with Specialization in any of the aforesaid field.	02	Open Merit (Male / Female)	01	01	02	21-30

7. It further appears from the record that petitioner Quratulan was Ph.D in Zoology and petitioners Altaf Hussain and others were having masters degree in Fresh Water Biology and Fisheries so also Ph.D degree in Zoology with specialization in Limnology, Wildlife and Fisheries and Marine Zoology from University of Karachi. Government of Sindh vide notification dated 30th November, 1998 prescribed the method, qualification and other conditions for appointment in respect of the post of Deputy Director Fisheries. For the sake of convenience, the said notification is reproduced below:

GOVERNMENT OF SINDH
LIVESTOCK & FISHERIES DEPARTMENT
Karachi, dated the 30th November, 98

NOTIFICATION

NO.SO (ADMN) /L&F/9-1/98: - In pursuance of sub-rule 2 of Rule 3 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 and in consultation with Services and General Administration Department, and in partial modification of this Department Notification NO.SO (A-II) /2-1/78(Part-II)/F, dated 15.5.1985 and NO.SO (A-II)/2-1/78-F, dated 18.1.1984, the method, qualifications and other conditions for appointment in respect of the posts mentioned in column 2 of the Table below shall be laid down against post in columns 3, 4 and 5 thereof: -

TABLE

S.NO.	NAME OF THE POST WITH BPS	METHOD OF APPOINTMENT	QUALIFICATION/ EXPERIENCE NECESSARY FOR INITIAL APPOINTMENT	AGE LIMIT MIN:	MAX:
1.	Deputy Director Fisheries (BPS-18)	i) 75% by Promotion from amongst the Assistant Director Fisheries/ Biologist/ Technical Officer /Lecturers & Aquarists in BPS-17 having at least seven years service in the Department. AND ii) 25% by initial appointment.	a) Ph. From a recognized University in Fisheries Marine or Fresh Water Biology. b) M.Sc. Degree at least in Second Division from a recognized University in Fisheries/ Marine or Fresh Water Biology having three years experience in Fisheries Management/ Research.	23	40
2.	Budget & Accounts Officer BPS-17.	By promotion from amongst Office Supdt: (BPS-16) with at least three years experience as such.	**	**	**

8. From the perusal of the above notification, it transpires that a candidate having a degree in Fisheries Marine or Freshwater Biology was eligible to be appointed for the post of Deputy Director. Zoology admittedly, is the subject which deals with living creature that includes fish culture. From the perusal of the academic record attached with the memo of petition, it transpires that the petitioners were duly qualified for appointment to the post of Deputy Director. For the purposes of the demonstration of the degree relevancy of the subject is only looked into, as per course outline available at Page 83 the subject of Zoology besides other courses covers the Ecology of Fishes, Fisheries and Natural History of Marine Invertebrate and Biology of

Fishes etc. For the sake of convenience, the course outline of the subject of Zoology is reproduced as under:

SEMESTER EXAMINATIONS SECTION UNIVERSITY OF KARACHI	
COURSE NO.	TITLE
503	BIOLOGY OF CHORDATES
506	ANIMAL ECOLOGY
507	BIOGEOGRAPHY AND NAT. HIST. OF PAKISTAN
514	ADVANCED INVERTEBRATE ZOOLOGY-I
515	ADVANCED INVERTEBRATE ZOOLOGY-II
504	ANIMAL PHYSIOLOGY
516	COMPARATIVE ANATOMY OF VERTEBRATES & OSTEOLOGY
517	EVOLUTION & ANIMAL BEHAVIOUR
518	PALAEONTOLOGY
519	CYTOLGY AND GENETICS
ZOM-601	MORPHOLOGY AND TAXONOMY OF FISHES
ZOM-602	BIOLOGY OF FISHES
ZOM-603	INTRODUCTION TO MARINE BIOLOGY
ZOM-606	PHYSICAL OCEANOGRAPHY
ZOM-610	NATURAL HISTORY OF INVERTEBRATE FISHERIES
ZOM-604	SYSTEMATICS OF HIGHER CRUSTACEA
ZOM-605	FISHERIES AND NATURAL HIST. OF MARINE INVERTEBRATE
ZOM-607	CHEMICAL OCEANOGRAPHY
ZOM-608	PLANKTOLOGY
ZOM-609	ECOLOGY OF FISHES

EQUIVALENCY
10 A; 55-69 B; 40-54 C; BELOW 40 FAIL.
POINT : A=4, B=3, C=2.

9. The department of Zoology, University of Karachi has also issued a certificate regarding Ph.D program of the petitioners wherein research conducted by the petitioners related to fisheries and fish culture. The certificates of the petitioners available in Court file demonstrated that they had undertaken research work for Ph.D program in the department of Zoology in Wildlife and Fisheries, Marine Biology and subjects related to the fisheries. Inspite of the availability of such certificates the appeals of the petitioners were decided in a slipshod manner. The stance of the petitioner finds support from the record, however the respondent SPSC has failed to treat Petitioners in accordance with law. This failure has resulted in a miscarriage of justice, as Petitioners were denied the due process of law and meted out with discrimination. It is the foundational concept of the law that right must go to the person to whom it belongs. The SPSC should have reflected moral rectitude to consider the case of petitioners in accordance with law. The dreams of the Petitioners wilted on account of the inefficiency of SPSC. The SPSC was saddled with a sacred responsibility of the recruitment on merits. SPSC is required to maintain transparency and self-accountability to ensure that appointments are made strictly in accordance with law and purely on merits. The petitioners who were otherwise qualified, could not participate in the interview part of examination with no fault on their part.

10. In the wake of above discussions, we are of the considered opinion that the respondent SPSC has failed to deal with the petitioner in accordance

with law. The orders passed by the Member (Appeals) SPSC dated 03.10.2024, 21.01.2025, & 26.03.2025, are contrary to law, perverse and without justifiable reasons, as such cannot be endorsed/upheld. Therefore, the case for exercise of powers of judicial review under Article 199 of the Constitution is made out. Consequently, the captioned petitions are allowed and the rejection orders dated 04.09.2024 and the orders passed by Member (Appeals) SPSC dated 21.01.2025, 03.10.2024 & 26.03.2025 on the appeals filed by the Petitioners are set aside. It is held that the petitioners are eligible for appointment to the post of Deputy Director and are entitled to participate in the interview process. The respondents are directed to conduct interview of the petitioners in accordance with the law. If the petitioners qualify the interview process, then appropriate action should follow.

11. Since the recruitment process for the subject post was finalized, SPSC has made recommendations in favour of the successful candidates, this order shall not affect the right of any recommended candidates in respect of the subject post. However, in case the petitioners after qualifying interview are recommended for appointment against the subject post, as discussed above, the administrative department in that eventuality shall approve a fresh SNE by creating posts to adjust the petitioners, if vacancy was not available in the department.

12. The aforesaid exercise shall be completed within one month from the date of this Order. Office is directed to send a copy of this Order to the respondents SPSC and the Secretary, Livestock and Fisheries Department, for compliance. The compliance should reach this Court for our perusal in chambers; failure whereof shall be deemed as defiance of the Court's order, entailing consequences according to law.

JUDGE

JUDGE

HEAD OF CONST. BENCHES

Nadir/PS*

Approved for reporting